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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

V.L., et al.,

Plaintiffs,

No. C 09-04668 JSW

v.

JOHN A. WAGNER, et al.,

Defendants.

**ORDER (1) GRANTING MOTION
TO HEAR PRELIMINARY
INJUNCTION MOTION ON
SHORTENED TIME; (2) SETTING
BRIEFING SCHEDULE; AND (3)
DENYING DEFENDANTS'
MOTION FOR EXPEDITED
DISCOVERY**

Now before the Court is Plaintiffs' administrative motion to hear their motion for a preliminary injunction on shortened time. For good cause shown, the Court HEREBY GRANTS Plaintiffs' administrative motion for shortened time. The Court GRANTS Plaintiffs' administrative motion to exceed the page limitations.¹ The Court FURTHER ORDERS that Defendants shall file an opposition to the motion for preliminary injunction by no later than 2:00 p.m. on October 12, 2009. Defendants shall deliver directly to chambers a copy of their opposition papers by no later than 9:30 a.m. on October 13, 2009. Plaintiffs shall file their reply, if any, by no later than 2:00 p.m. on October 14, 2009. Plaintiffs shall deliver directly to chambers a copy of their reply papers by no later than 2:30 p.m. on October 14, 2009. The Court will conduct a hearing on Plaintiffs' motion for preliminary injunction on October 19, 2009 at 10:00 a.m.

¹ The Court's Standing Orders provide page limitations that are more restrictive than the Local Rules. The Court construes Plaintiffs' motion as seeking relief from both the Local Rules and the Court's Standing Orders.

United States District Court

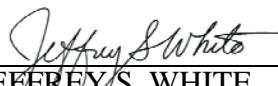
For the Northern District of California

If Defendants disagree with the legal proposition that “district courts are empowered to grant preliminary injunctions regardless of whether the class has been certified,” *see Branley v. Maxwell-Jolly*, __ F. Supp. 2d __, 2009 WL 2941519, at *14 n.14 (N.D. Cal. Sept. 10, 2009), Defendants shall file an opposition to Plaintiffs’ motion for class certification by no later than 2:00 p.m. on October 12, 2009. Defendants shall deliver directly to chambers a copy of their opposition papers by no later than 9:30 a.m. on October 13, 2009. If Defendants file an opposition to the motion for class certification, Plaintiffs shall file their reply, if any, by no later than 2:00 p.m. on October 14, 2009. Plaintiffs shall deliver directly to chambers a copy of their reply papers by no later than 2:30 p.m. on October 14, 2009. If Defendants agree with the above legal proposition and do not file an opposition by October 12, 2009, the Court will address Plaintiffs’ motion for class certification at a later time.

The Court DENIES Defendants’ administrative motion to conduct limited discovery of the named Plaintiffs. The Court is amenable to continuing the hearing and briefing schedule on Plaintiffs’ motion for preliminary injunction if Defendants postpone the pending In-Home Support Services terminations and reductions, including sending out notice of such terminations or reductions. Such postponement shall be sufficient to enable both Plaintiffs and Defendants to conduct limited discovery with respect to the pending motion for preliminary injunction.

IT IS SO ORDERED.

Dated: October 6, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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